

111TH CONGRESS  
1ST SESSION

# H. R. 3160

Making appropriations for foreign assistance to Israel for fiscal year 2010.

---

## IN THE HOUSE OF REPRESENTATIVES

JULY 9, 2009

Mr. SMITH of New Jersey introduced the following bill; which was referred to the Committee on Appropriations

---

## A BILL

Making appropriations for foreign assistance to Israel for  
fiscal year 2010.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That the following sums are appropriated, out of any  
4       money in the Treasury not otherwise appropriated, for the  
5       fiscal year ending September 30, 2010, and for other pur-  
6       poses, namely:

1 TITLE I  
2 BILATERAL ECONOMIC ASSISTANCE  
3 DEPARTMENT OF STATE  
4 NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND  
5 RELATED PROGRAMS

6 Funds appropriated for fiscal year 2010 for a vol-  
7 untary contribution to the International Atomic Energy  
8 Agency under section 301 of the Foreign Assistance Act  
9 of 1961 may be made available to that Agency only if the  
10 Secretary of State determines (and so reports to the Con-  
11 gress) that Israel is not being denied its right to partici-  
12 pate in the activities of that Agency.

13 MIGRATION AND REFUGEE ASSISTANCE  
14 For necessary expenses to enable the Secretary of  
15 State to provide, as authorized by law, not less than  
16 \$25,000,000 for refugees resettling in Israel, to remain  
17 available until expended.

18 TITLE II  
19 INTERNATIONAL SECURITY ASSISTANCE  
20 FUNDS APPROPRIATED TO THE PRESIDENT  
21 FOREIGN MILITARY FINANCING PROGRAM

22 For necessary expenses for grants only for Israel to  
23 enable the President to carry out the provisions of section  
24 23 of the Arms Export Control Act, \$2,220,000,000: *Pro-*  
25 *vided*, That to expedite the provision of assistance to

1 Israel, the Secretary of State may use the funds appro-  
2 priated under this heading to procure defense articles and  
3 services to enhance the capacity of Israel's security forces:  
4 *Provided further*, That the Department of State shall con-  
5 sult with the Committees on Appropriations prior to exer-  
6 cising the authority contained in the previous proviso: *Pro-*  
7 *vided further*, That the funds appropriated by this para-  
8 graph for Israel shall be disbursed within 30 days of the  
9 enactment of this Act: *Provided further*, That to the extent  
10 that the Government of Israel requests that funds be used  
11 for such purposes, grants made available for Israel by this  
12 paragraph shall, as agreed by the United States and  
13 Israel, be available for advanced weapons systems, of  
14 which not less than \$583,860,000 shall be available for  
15 the procurement in Israel of defense articles and defense  
16 services, including research and development: *Provided*  
17 *further*, That funds appropriated or otherwise made avail-  
18 able by this paragraph shall be non-repayable notwith-  
19 standing any requirement in section 23 of the Arms Ex-  
20 port Control Act: *Provided further*, That funds made avail-  
21 able under this paragraph shall be obligated upon appor-  
22 tionment in accordance with paragraph (5)(C) of title 31,  
23 United States Code, section 1501(a): *Provided further*,  
24 That none of the funds made available under this para-  
25 graph, except those specified in the fourth proviso under

1 this heading, shall be available to finance the procurement  
 2 of defense articles, defense services, or design and con-  
 3 struction services that are not sold by the United States  
 4 Government under the Arms Export Control Act unless  
 5 Israel has first signed an agreement with the United  
 6 States Government specifying the conditions under which  
 7 such procurements may be financed with such funds: *Pro-*  
 8 *vided further*, That all country and funding level increases  
 9 in allocations shall be submitted through the regular noti-  
 10 fication procedures of section 7015 of the Department of  
 11 State, Foreign Operations, and Related Programs Appro-  
 12 priations Act, 2010: *Provided further*, That funds made  
 13 available in this paragraph may be used, notwithstanding  
 14 any other provision of law, for demining, the clearance of  
 15 unexploded ordnance, and related activities, and may in-  
 16 clude activities implemented through nongovernmental  
 17 and international organizations: *Provided further*, That  
 18 funds appropriated in this paragraph shall be expended  
 19 at the minimum rate necessary to make timely payment  
 20 for defense articles and services.

### 21 TITLE III

## 22 GENERAL PROVISIONS

### 23 AVAILABILITY OF FUNDS

24 SEC. 301. No part of any appropriation contained in  
 25 this Act shall remain available for obligation after the ex-

1 piration of the current fiscal year unless expressly so pro-  
 2 vided in this Act: *Provided*, That funds appropriated for  
 3 the purposes of chapters 1, 8, 11, and 12 of part I, section  
 4 661, section 667, chapters 4, 5, 6, 8, and 9 of part II  
 5 of the Foreign Assistance Act of 1961, section 23 of the  
 6 Arms Export Control Act shall remain available for an ad-  
 7 ditional 4 years from the date on which the availability  
 8 of such funds would otherwise have expired, if such funds  
 9 are initially obligated before the expiration of their respec-  
 10 tive periods of availability contained in this Act: *Provided*  
 11 *further*, That, notwithstanding any other provision of this  
 12 Act, any funds made available for the purposes of chapter  
 13 1 of part I and chapter 4 of part II of the Foreign Assist-  
 14 ance Act of 1961 which are allocated or obligated for cash  
 15 disbursements in order to address balance of payments or  
 16 economic policy reform objectives, shall remain available  
 17 until expended.

#### 18           APPLICABILITY OF GENERAL LIMITATIONS

19       SEC. 302. The pertinent limitations and restrictions  
 20 on the availability and use of funds set forth in the De-  
 21 partment of State, Foreign Operations, and Related Pro-  
 22 grams Appropriations Act, 2010 shall apply to the appro-  
 23 priations provided in this Act.

#### 24           ARAB LEAGUE BOYCOTT OF ISRAEL

25       SEC. 303. It is the sense of the Congress that—

1           (1) the Arab League boycott of Israel, and the  
2           secondary boycott of American firms that have com-  
3           mercial ties with Israel, is an impediment to peace  
4           in the region and to United States investment and  
5           trade in the Middle East and North Africa;

6           (2) the Arab League boycott, which was regret-  
7           tably reinstated in 1997, should be immediately and  
8           publicly terminated, and the Central Office for the  
9           Boycott of Israel immediately disbanded;

10          (3) all Arab League states should normalize re-  
11          lations with their neighbor Israel;

12          (4) the President and the Secretary of State  
13          should continue to vigorously oppose the Arab  
14          League boycott of Israel and find concrete steps to  
15          demonstrate that opposition by, for example, taking  
16          into consideration the participation of any recipient  
17          country in the boycott when determining to sell  
18          weapons to said country; and

19          (5) the President should report to Congress an-  
20          nually on specific steps being taken by the United  
21          States to encourage Arab League states to normalize  
22          their relations with Israel to bring about the termi-  
23          nation of the Arab League boycott of Israel, includ-  
24          ing those to encourage allies and trading partners of  
25          the United States to enact laws prohibiting busi-

1 nesses from complying with the boycott and penal-  
2 izing businesses that do comply.

3 PALESTINIAN STATEHOOD

4 SEC. 304. (a) LIMITATION ON ASSISTANCE.—None  
5 of the funds appropriated under this Act, or under titles  
6 III through VI of the Department of State, Foreign Oper-  
7 ations, and Related Programs Appropriations Act, 2010,  
8 may be provided to support a Palestinian state unless the  
9 Secretary of State determines and certifies to the appro-  
10 priate congressional committees that—

11 (1) the governing entity of a new Palestinian  
12 state—

13 (A) has demonstrated a firm commitment  
14 to peaceful co-existence with the State of Israel;

15 (B) is taking appropriate measures to  
16 counter terrorism and terrorist financing in the  
17 West Bank and Gaza, including the dismantling  
18 of terrorist infrastructures, and is cooperating  
19 with appropriate Israeli and other appropriate  
20 security organizations; and

21 (2) the Palestinian Authority (or the governing  
22 entity of a new Palestinian state) is working with  
23 other countries in the region to vigorously pursue ef-  
24 forts to establish a just, lasting, and comprehensive  
25 peace in the Middle East that will enable Israel and  
26 an independent Palestinian state to exist within the

1 context of full and normal relationships, which  
2 should include—

3 (A) termination of all claims or states of  
4 belligerency;

5 (B) respect for and acknowledgment of the  
6 sovereignty, territorial integrity, and political  
7 independence of every state in the area through  
8 measures including the establishment of demili-  
9 tarized zones;

10 (C) their right to live in peace within se-  
11 cure and recognized boundaries free from  
12 threats or acts of force;

13 (D) freedom of navigation through inter-  
14 national waterways in the area; and

15 (E) a framework for achieving a just set-  
16 tlement of the refugee problem.

17 (b) SENSE OF CONGRESS.—It is the sense of Con-  
18 gress that the governing entity should enact a constitution  
19 assuring the rule of law, an independent judiciary, and  
20 respect for human rights for its citizens, and should enact  
21 other laws and regulations assuring transparent and ac-  
22 countable governance.

23 (c) WAIVER.—The President may waive subsection  
24 (a) if he determines that it is important to the national  
25 security interests of the United States to do so.



(d) EXEMPTION.—The restriction in subsection (a) shall not apply to assistance intended to help reform the Palestinian Authority and affiliated institutions, or the governing entity, in order to help meet the requirements of subsection (a), consistent with the provisions of section 7040 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (“Limitation on Assistance to the Palestinian Authority”).

RESTRICTIONS CONCERNING THE PALESTINIAN  
AUTHORITY

SEC. 305. None of the funds appropriated under this Act, or under titles II through VI of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010, may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: *Provided*, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: *Provided further*, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declara-

1 tion of Principles, for the purpose of conducting official  
2 United States Government business with such authority  
3 should continue to take place in locations other than Jeru-  
4 salem. As has been true in the past, officers and employees  
5 of the United States Government may continue to meet  
6 in Jerusalem on other subjects with Palestinians (includ-  
7 ing those who now occupy positions in the Palestinian Au-  
8 thority), have social contacts, and have incidental discus-  
9 sions.

10 This Act may be cited as the “Israel Foreign Assist-  
11 ance Appropriations Act, 2010”.

